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February 26, 2008

Hon. Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

*See answer
2-29-08
Al K Hellerstein*

Re: Maldonado v. Walsh
07-Civ-2999 (AKH)

Your Honor:

I was assigned to respond to the above-referenced state prisoner's federal habeas corpus petition. Per your order, dated January 3, 2008, the response to the habeas petition is currently due on March 3, 2008. I write to respectfully request an extension of time to respond to the petition until Monday, April 7, 2008.

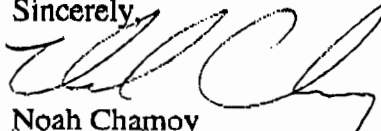
I seek this extension because I need time to prepare a response. I was assigned this matter on January 14, 2008, the day before I began a pre-scheduled leave. On my return, I immediately reviewed the petition, determined that a memorandum of law defendant cited in his petition was not included in the material made available to this Office, and sent this Court a letter, dated January 25, 2008, requesting a copy of defendant's memorandum of law. On February 14, 2008, I spoke with Brigitte Jones, Courtroom Deputy, who informed me that no memorandum exists. I then completed drafting an oversized respondent's brief in the direct appeal of People v. Catherine Melendez, which will be filed immediately in the Appellate Division, First Department. Consequently, I have not yet had the opportunity to respond to the instant petition.

My current unfamiliarity with petitioner's case, along with my other assignments, result in my request for a five-week extension. I did not handle defendant's State direct appeal, nor his Criminal Procedure Law Article 440.20 motion. I am also currently drafting the respondents brief in a direct appeal to the Appellate Division, First Department (People v. Sullvann Saez [Bronx Co. Ind. Nos. 3248/03, 2691/04]), and a response to a petition for coram nobis in the Appellate Division, First Department (People v. Sergio Perrilla [Bronx Co. Ind. No. 382/93]).

Accordingly, this first request for an extension is made in good faith, based upon my approximation of the time needed to prepare an adequate response. I have neither sought, nor received the consent of my incarcerated adversary in seeking this extension.

Thank you for your consideration in this matter.

Sincerely,



Noah Chamoy
Assistant District Attorney

cc: Danilo Maldonado
01-A-2461
Sullivan Correctional Facility
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Fallsburg, N.Y. 12733